

**UNITED STATES DISTRICT COURT  
DISTRICT COURT OF MINNESOTA**

IN RE PORK ANTITRUST  
LITIGATION

This Document Relates To:

THE DIRECT PURCHASER  
PLAINTIFF CLASS ACTION

Case No. 0:18-cv-01776 (JRT)

**DECLARATION OF ERIC  
SCHACHTER IN SUPPORT OF  
MOTION FOR PRELIMINARY  
APPROVAL OF THE DIRECT  
PURCHASER CLASS ACTION  
SETTLEMENT WITH  
SEABOARD FOODS LLC AND  
MOTION FOR APPROVAL OF  
CLASS NOTICE**

I, Eric Schachter, declare and state as follows:

1. I am a Senior Vice President with A.B. Data, Ltd. (“A.B. Data”). A.B. Data was selected by Direct Purchaser Plaintiffs to act as the Notice and Settlement Administrator<sup>1</sup> to inform potential Class Members that: (i) a Class has been Certified pursuant to the Memorandum Opinion and Order entered by this Court on March 29, 2023 (Dkt. 1887); and (ii) a proposed Settlement has been reached with Defendant Seaboard Foods LLC (“Seaboard” or “Settling Defendant”). I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness, could and would testify competently thereto.

2. In consultation with Co-Lead Class Counsel, I have prepared a proposed notice plan for the newly Certified Class and the Settlement. This Declaration will describe the proposed notice plan and how it will meet the requirements of Rule 23 of the Federal Rules of Civil Procedure and provide due process to the potential members of the Certified Class. This Declaration is based upon my personal knowledge and upon information provided to me by Co-Lead Class Counsel, my associates, and A.B. Data staff members.

3. I have implemented and coordinated some of the largest and most complex class action notice and administration plans in the country. The scope of my work includes notification, claims processing, and distribution plans in all types of class actions, including but not limited to consumer, antitrust, securities, ERISA, insurance, and government agency settlements.

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<sup>1</sup> Unless otherwise noted, all capitalized terms shall have the same meaning as in the Settlement Agreement between Direct Purchaser Plaintiffs and Seaboard.

4. A.B. Data has also been appointed as notice, claims, and/or settlement administrator in hundreds of high-volume consumer, antitrust, civil rights, insurance, ERISA, securities, and wage and hour class action cases. A profile of A.B. Data's background and capabilities, including representative case and client lists, is included as **Exhibit A**.

5. The objective of the proposed notice plan is to provide the best practicable notice under the circumstances to potential members of the Certified Class. The Certified Class is defined as follows:

All persons and entities who directly purchased one or more of the following types of pork, or products derived from the following types of pork, from Defendants, or their respective subsidiaries or affiliates, for use or delivery in the United States from June 29, 2014, through June 30, 2018: fresh or frozen loins, shoulders, ribs, bellies, bacon, or hams. For this lawsuit, pork excludes any product that is marketed as organic or as no antibiotics ever (NAE); any product that is fully cooked or breaded; any product other than bacon that is marinated, flavored, cured, or smoked; and ready-to-eat bacon.

Excluded from this Class are the Defendants, the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant. Also excluded from this Class are any federal, state or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, any juror assigned to this action, and any Co-Conspirator identified in this action.

### **NOTICE PLAN**

6. The proposed notice plan (which is substantially similar to the notices previously disseminated in this case) includes direct notice by mail and/or email to approximately 55,000 potential Class Members identified through the previous notice plans related to this litigation. To supplement this direct notice and reach the potential

members of the Settlement Class who may not receive direct notice, A.B. Data will implement a print and digital media campaign as discussed below.

7. Direct notice will be provided via a Long-Form Notice, attached as **Exhibit B**, that will be mailed to approximately 55,000 Class Members with a known mailing address and posted on the case-specific website, [www.porkantitrustlitigation.com](http://www.porkantitrustlitigation.com). A Short-Form Notice, attached as **Exhibit C**, will be formatted as an email and sent to the approximately 3,000 Class Members with a known email address.

8. The Long-Form Notice and Short-Form Notice sent directly to potential members of the Class will include summary information concerning the Certified Class and the Settlement with Seaboard, including: that this is a class action; the Certified Class definition in plain and engaging language (“If you purchased any Pork product directly from a Pork producer for use or delivery in the United States from June 29, 2014, through June 30, 2018, a class action may affect your rights); that the Action alleges antitrust violations and price-fixing claims; that a member of the Class may appear through an attorney if the member wants; that members of the Class can ask to be excluded from the Settlement, the Certified Class, or both; object to the Settlement if they so choose; the time and manner for requesting exclusion or submitting an objection; and the binding effect of a judgment on the Certified Class. The Short-Form Notice will also include a hyperlink to [www.porkantitrustlitigation.com](http://www.porkantitrustlitigation.com) to access the more detailed Long-Form Notice and additional important documents and information.

9. For emailed notice A.B. Data implements certain best practices to increase deliverability and bypass SPAM and junk filters, and we will be able to verify how many

emails were successfully delivered. For mailed notice, A.B. Data will track any mail returned as undeliverable by the United States Postal Service (“USPS”), and using third-party information providers to which we subscribe, attempt to ascertain an updated address and resend the Long-Form Notice accordingly.

10. To supplement the direct notice efforts, A.B. Data will publish the Short-Form Notice one time to run for four weeks in *Supermarket News* and *Nation's Restaurant News*. *Supermarket News* is a trade journal targeting retail grocer executives and wholesale buyers. *Nation's Restaurant News* is a trade journal targeting management in large multi-unit national chain restaurants and onsite food service facilities like hotels, clubs, and healthcare. A.B. Data will also implement a digital media banner ad campaign on the websites for each of these trade journals ([www.supermarketnews.com](http://www.supermarketnews.com) and [www.nrn.com](http://www.nrn.com)). Sample banner ads are attached as **Exhibit D**. Comparable alternatives will be considered if any of these proposed platforms will not accept legal notices or if inventory is not available at the time of placement.

#### **WEBSITE AND TELEPHONE**

11. To assist potential members of the Certified Class in understanding their rights about the litigation and the Settlement, the current case-specific toll-free telephone number and website from previous settlements in this matter will continue to be maintained with updated information concerning the Certified Class and the Settlement with Seaboard. A.B. Data will respond to any and all email inquiries regarding the Certified Class and Settlement as necessary. With regards to the toll-free telephone line, A.B. Data will receive calls and respond to any and all inquiries regarding the Certified Class and Settlement as necessary.

### **EXCLUSION PROCESSING**

12. The notices provide that the Court will exclude any Class member who timely sends a written, mailed request to the Notice Administrator asking to be excluded from the Settlement, the Certified Class, or both. A.B. Data will promptly circulate to the parties copies of all such requests and a report that tracks each request and whether the required information was included.

### **CONCLUSION**

13. It is my opinion, based on my individual expertise and experience and that of my A.B. Data colleagues, that the proposed notice plan is designed to effectively reach potential members of the Certified Class, will deliver plain language notices that will capture the attention of the reader, and will provide relevant information in an informative and easy to understand manner that is necessary to effectively understand the rights and options associated with the Certified Class and the Settlement. This proposed notice plan conforms to the standards employed by A.B. Data in notification plans designed to reach potential class members of settlement groups or classes that are national in scope and reach narrowly defined entities and demographic targets. For all these reasons, in my opinion, the proposed notice plan satisfies the requirements of Rule 23 and due process.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 22<sup>nd</sup> day of June 2023 in Milwaukee, Wisconsin.



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Eric Schachter